

A MEETING OF THE BOARD OF COMMISSIONERS
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS
HELD ON THURSDAY, APRIL 2, 2009 AT 7:00 P.M.

MEMBERS PRESENT:

MAYOR SHIPLEY

VICE-MAYOR PRIVETT

COMMISSIONER ADAMS

COMMISSIONER SKILES

CITY ATTORNEY ELLIOTT

INTERIM MANAGER BURRIS

MEMBER ABSENT:

COMMISSIONER HARMON

The minutes of the meeting held March 19, 2009 were approved as presented.

Citizens' Participation:

Nance Jo Ogozalek, 10707 Lovell Road, came before the Board concerning the recent change to limit citizens addressing the Board to three minutes per person and three persons per issue. She expressed her opinion that the idea is completely improper and goes totally against the ideals on which this country was founded. She went on to say that this country is a democracy, not a dictatorship and no commissioner is a king. The Commission should be receptive to the public and encourage citizens' participation. She said that the Mayor should be able to manage and regulate the meetings to allow the citizens to speak their minds in a timely manner. She said all should be allowed to speak and make their comments a matter of record. She ended by asking how else can the Commission know the citizens' desire if their voices cannot be heard?

Darrell Moody, 8494 Gulf View Drive, addressed the Commission regarding a new entrance sign to the Industrial Park. He reported that the existing sign was in need of replacing, the general area needs repair as well as the grass mowed. With the Volkswagen Company coming to Chattanooga, he said he would hope, as a commercial business owner, to draw from the tier businesses that may follow the plant. Mayor Shipley said a new sign was discussed several times and that he thought this was being planned by the park's business owners who wanted their company names on the sign. Mr. Moody suggested that the name of the park be changed to "Business Park" since not all the properties are industrial. He commented that he would like to see enforcement of clean up and mowing of properties along with drainage work to the older section of the roadway.

Commissioner Adams said the last time the sign was addressed, there was a park business owner who was to meet with other owners to come up with a design. Vice-Mayor Privett said discussion was held a couple of meetings ago to have the median taken out at the entrance and the sign moved to the southern side of the road. Public Works Director Renfro agreed saying a location has been determined. Vice-Mayor Privett added that after the sign was discussed it was determined that the sign type discussed with the business owners would be a violation of the City's sign ordinance and would be prohibited. He added that the name itself was determined by the City and Hamilton County since both entities contributed funds to the park's establishment. Mr. Moody

said anything that can be done to improve the existing sign would certainly be appreciated. He offered to meet with other park owners to get their input for the sign. Mayor Shipley said the City will pursue the new sign and get back with him.

Robert Cothran, Vietnam Veterans Chapter 942, invited everyone to the Rod Run to be held on Saturday, April 4th.

Eddie Walker, 10515 Brickhill Lane, echoed the sentiments of Ms. Ogozalek who spoke earlier in the meeting. He felt the three minute restriction was improper saying that hearing of citizens was a nature of the job. He stated that some people have trouble communicating and may not be able to make their comments in three minutes. He said this limit was ridiculously passed.

Mayor Shipley made presentation at this time to Officer Jed Krider. Officer Krider was recognized for chasing a runaway vehicle with children inside and stopping it before it entered the roadway. He was given a Life Saving Award plaque noting his bravery.

Old business: None.

New business: None.

Interim Manager Burris presented a payment approval request in the amount of \$3,156.66 to Highways, Inc. for asphalt material. A motion was made by Vice-Mayor Privett and seconded by Commissioner Skiles to approve the payment as presented and the motion carried.

Another payment request was presented for Floyd Hardware in the amount of \$5,214.14. Interim Manager Burris stated that this was a two-month invoice as they failed to bill for the previous month. A motion was made by Commissioner Adams and seconded by Commissioner Skiles to approve the payment. The motion carried unanimously.

A third payment request was presented for P & S Concrete in the amount of \$4,980 for material used on Walden Street. A motion was made by Commissioner Adams to approve the payment as presented. The motion was seconded by Commissioner Skiles and the ayes were unanimous.

Interim Manager Burris made a request for purchase of fireworks for the 4th of July celebration. She stated that once again the fire department will be holding the exhibition and their request is the same as last year in the amount of \$5,500 plus a \$100 shipping fee. Three proposals were taken from suppliers for the number of shells provided for the set amount. The best proposal was from Pyro Shows located in Lafollette, Tennessee. Commissioner Adams asked if this was a budgeted item. Interim Manager Burris stated that it was. Commissioner Adams made a motion to approve the request. The motion was seconded by Commissioner Skiles and the motion carried unanimously.

Interim Manager Burris stated at the last meeting the resumption of brush pickup was discussed. She

said Public Works Director Renfro had come up with his recommendation for the service. Commissioner Adams asked if the service would provide two pickups, per residence, per year. Interim Manager Burris said that a limit was not proposed since there may be times citizens have a small amount and more at a later date. She requested that a three-month trial period be given this service to determine how much material will be picked up and how much time it will take. Vice-Mayor Privett said a pick up limit needs to be set or there could possibly be pickup every week at a location. Ms. Burris stated that the “sparkle” pickups are limited to two per residence, per year. After discussion, it was the consensus of the Board to add this provision to the criteria proposed. Mayor Shipley stated that there may be incidences, i.e., after a storm when more pickups would be warranted. Vice-Mayor Privett noted that when the service was previously provided it was abused by individuals doing side jobs and bringing the materials back to the residence for the City to pick up. He asked if there was any way to prohibit this and if anyone violating this provision could be cited to court. City Attorney Elliott stated an ordinance would have to be passed addressing it. Interim Manager Burris stated that tree companies also abused the service. Commissioner Adams stated that many times the City’s workers will be aware of this type abuse. Mayor Shipley said he would like to see the service provided once again. This was also the consensus of the Board with the limit of two pickups, per year as stated previously in the meeting. Interim Manager Burris stated she would report the results to the Board after three months.

Interim Manager Burris stated that there is a freeze on hiring, but that the Public Works Director would like to request a part-time employee to be used during mowing season. This position is a part of the budgeted pay plan. Commissioner Adams made a motion to make an exception to the ban on hiring and to fill the one position. Commissioner Skiles asked if the part-time position would be from February to October. Ms. Burris said this is what is proposed. Commissioner Skiles seconded the motion and the ayes were unanimous.

City Attorney Elliott stated that included in the packets was a copy of a proposed ordinance to be presented at the next meeting. He said back in the Fall there was discussion as to what could be done on property maintenance issues. During discussion he noted that the City could adopt the International Property Maintenance Code, which is different from what is in the City Code. He drafted the Ordinance some time ago and gave it to the previous City Manger for review. He recently located it once again and is submitting it at this time for the Board’s review. He stated that the Ordinance would bring the Property Maintenance Code into the City Code with enforcement provisions that is the same as the building code. He said if there were any questions upon their review to let him know.

City Attorney Elliott stated after the last meeting there were some issues that came up relative to the appointments to the Planning Commission and to the WWTa Board. He said he researched it and drafted a memorandum to the Board concerning some bad information he had given the Mayor on the appointments.

The appointments to the Planning Commission were accurate, but the WWTa was not. Normally the Mayor appoints a position and can remove someone from a position, but the law applicable to the WWTa reads that whoever is appointed to the WWTa Board remains on the Board for a period of five years. The last appointment was made in July 2005, therefore Mayor Privett's appointment would legally exist until July 2010. He apologized for the mistake. Mayor Shipley said he had spoken with Vice-Mayor Privett and he would continue in this appointment.

Vice-Mayor Privett stated there was a memorandum from the Chamber of Commerce discussed at the last meeting. He requested that there be one clarification made to the memorandum of agreement that reads "the Chamber will have possession of the entire properties." He said it did spell out that Dayton Pike would be used for the car show, but that it should read that everything south of Durham Street and Dayton Pike will be for the car show. He reported that more than 300 cars at the event are expected this year. He asked for this one provision be clarified.

Vice-Mayor Privett asked about small signs being placed on trees and on telephone poles around right-of-ways. Interim Manager Burris stated that these were illegal signs. Vice-Mayor Privett asked if a sign is on a telephone pole would an individual have the right to remove it or should it be left to a city employee. City Attorney Elliott said it should be an employee, that the individual would not have the right to do so unless it was on his personal property.

Vice-Mayor Privett reported on a problem at the South Park where recently a child on a bicycle ran into a person, knocking them down. He was told there was no signage on the new walkway entrance into the park and requested that signs be placed prohibiting bicycles or wheels on the walking track. He referenced another problem at the park with cars speeding going into the parking area, asking that speed humps be installed coming off of Dayton Pike. Commissioner Skiles asked if there was a speed limit in the park. Vice-Mayor Privett said this shouldn't be required but suggested one of 5 MPH. Mayor Shipley suggested that the speed humps be installed curb to curb. Commissioner Adams said he had asked about the use of speed humps some time ago and was told they are not recommended. Vice-Mayor Privett agreed saying a previous use was Shearer Street, but this particular request was in the park. Commissioner Adams stated that some cities are using speed humps on public roadways. City Attorney Elliott agreed, but added that TML recommends not using them on public roads. Interim Manager Burris stated that the use of rumble strips is suggested in lieu of the speed humps.

Commissioner Adams brought up the proposed agreement with the Chamber of Commerce once again asking if a formal resolution was needed. Vice-Mayor Privett said the only item he thought was in question was the portion of the property south of Durham Street to be used by the car show. Commissioner Adams asked if it was a consensus of the Board to agree with the proposal and then made a motion to adopt the memorandum of

agreement presented by the Chamber of Commerce in regard to the 4th of July Celebration with the changes as proposed by the Vice-Mayor. The motion was seconded by Vice-Mayor Privett and the ayes were unanimous.

Commissioner Skiles commented that the diaper league (T-ball) field recently built and the playground equipment installed looked good. Mayor Shipley noted that the KIDS Club ball season kick off would be held this Saturday, April 4th beginning at 9:45 a.m.

Mayor Shipley presented a request from Oak Street Baptist Church to have a banner over the roadway at the State Park for three days prior to Sunday, April 12th announcing their Easter Sunrise Service. Vice-Mayor Privett stated that the sign ordinance will allow temporary signs at the location. He then made a motion to allow the Church to use the park at that time for the service and to allow them to have a temporary banner as permitted by the sign ordinance. The motion was seconded by Commissioner Adams and the ayes were unanimous.

Mayor Shipley presented a request from Soddy Community Chapel Church to use the North Park playground area adjacent to their church on Saturday, April 11th from 8:30 a.m. until 12:00 noon for a community egg hunt. It was the consensus of the Board to approve this request.

Vice-Mayor Privett said the new pastor of Mowbray Church of God had contacted him concerning a sign on Mowbray Pike. Interim Manager Burris said the City was working with the pastor on this request.

City Attorney Elliott said he would be bringing another item before them next meeting in regard to a new court case that changes provisions to adult oriented establishments.

ADJOURNMENT 7:46 P.M.

INTERIM MANAGER BURRIS